

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NDX ADVISORS INC,

Plaintiff,

v.

ADVISORY FINANCIAL CONSULTANTS,

Defendant.

No. C 11-3234 SBA

JUDICIAL REFERRAL
FOR PURPOSES OF
DETERMINING
RELATIONSHIP OF
CASES

NDX ADVISORS INC, et al.,

Plaintiffs,

v.

ANDREW BALISTRERI, et al.,

Defendants.

No. C 12-0309 CW

Pursuant to Civil Local Rule 3-12(c), this Court, sua sponte, refers the above referenced cases to Judge Sandra Brown Armstrong to consider whether they are related. The parties may respond to this referral, opposing or supporting relating the cases, within four days of the date of this order, in briefs submitted in accordance with the requirements set forth in Civil Local Rule 7-11(b).

The Court notes that the cases were separately transferred to the Northern District of California from the Northern District of Illinois. Although the two cases had not been administratively

1 related in that District, in deciding to transfer the Balistreri
2 matter, Judge Norgle found that, because the Advisory Financial
3 Consultants matter had already been transferred to this District,
4 "the interests of justice would be better served by" transferring
5 the Balistreri case here as well, to avoid duplication and
6 possible conflicts. Docket No. 131, Balistreri, Case No. 12-309,
7 11.

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9 The case management conference previously set for Wednesday,
10 May 9, 2012, is continued to Wednesday, June 6, 2012, at 2:00
11 p.m., to allow time to determine whether these cases will be
12 related. The Court notes that the parties had not timely filed
13 joint or separate case management conference statements for the
14 May 9 conference. Statements for the continued conference are due
15 May 30, 2012. If the cases are related, the conference may be
16 rescheduled.

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18 IT IS SO ORDERED.

19 Dated: 5/7/2012

20 cc: SBA

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CLAUDIA WILKEN
United States District Judge